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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Savath DIPRASEUTH (D1)
and
Lisa Ann DURANT (D2)

Defendants.

Magistrate Case No. '08 MJ 0669

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s) Without Presentation

The undersigned complainant being duly sworn states:

On or about March 3, 2008, within the Southern District of California, defendants **Savath DIPRASEUTH (D1) and Lisa Ann DURANT (D2)**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Adriana-LOPEZ-Perez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and ~~Border Protection~~ Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **5th** DAY OF **March, 2008.**

UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Adriana LOPEZ-Perez**, is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 3, 2008, at approximately 2345 hours, **Saveth DIPRASEUTH (D1)** and **Lisa Ann DURANT (D2),** applied for admission to the United States through vehicle primary lane six at the Otay Mesa, California Port of Entry. D1 was the driver of a 1985 Pontiac Grand Am bearing California license plates. D1 presented his valid Resident Alien Card to the Customs and Border Protection (CBP) Officer and claimed ownership of the vehicle. D1 also presented a counterfeit California vehicle registration bearing the name of another person and gave two negative customs declarations. D2 did not present any form of identification and declared United States citizenship by virtue of her birth in San Diego, California. During a routine search of the vehicle, the CBP Officer discovered a human being concealed behind the passenger's seat. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, one female was found concealed in a non-factory compartment underneath the front passenger seat and rear bench seat. The upper torso was concealed underneath the modified front passenger seat, while her lower body was concealed underneath the modified rear bench seat. The female was removed from the compartment with the help of a CBP Officer. The female was determined to be a citizen of Mexico without entitlements to enter the United States and is now identified as **Adriana LOPEZ-Perez (Material Witness)**.

During a videotaped interview, D1 was advised of his Miranda rights and elected to answer questions without an attorney present. D1 admitted knowledge of the concealed undocumented person in the vehicle. D1 admitted he was to take the vehicle and the undocumented person to an unknown location in the United States once across the border. D1 denied he was to be paid any monetary compensation for smuggling the undocumented alien into the United States.

During a videotaped interview, D2 was advised of her Miranda rights and elected to answer questions without an attorney present. D2 admitted knowledge of the concealed undocumented person in the vehicle. D2 admitted she and D1 were to take the vehicle and the undocumented person to an unknown location in San Ysidro, California. D2 denied arrangements of monetary compensation for smuggling the undocumented alien into the United States.

A videotaped interview was conducted with the Material Witness. Material Witness stated that she is a citizen of Mexico without legal documents to enter the United States. Material Witness stated her husband made arrangements and that her family was to pay an unknown fee for her to be smuggled into the United States. Material Witness admitted she was going to Los Angeles, California to seek residency and employment.